

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

MICHAEL S. TOMASZEWSKI

Chapter 7
Case no. 20-10203-CLB

Debtor(s).

NOTICE OF MOTION

MOVANT: Mark J. Schlant, As Chapter 7 Trustee

**DATE, TIME &
LOCATION OF
HEARING:**

January 3, 2022; 10:00 a.m.
U.S. Bankruptcy Court
Robert H. Jackson United States Courthouse
2 Niagara Square
5th Floor - Orleans Courtroom
Buffalo, New York 14202

RELIEF REQUESTED: An Order directing Valerie A. Tomaszewski to turn over the estate's share of joint 2019 and 2020 federal and state income tax refunds due and remitted to her and/or the Debtor, together with such other and further relief as the Court deems just and proper.

SUPPORTING PAPERS: Motion dated December 23, 2021.

Dated: December 23, 2021
Buffalo, New York

ZDARSKY, SAWICKI & AGOSTINELLI LLP
Attorneys for the Chapter 7 Trustee
s/ Mark J. Schlant

By: Mark J. Schlant
1600 Main Place Tower
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Buffalo, New York 14202
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MOTION

MARK J. SCHLANT, as Chapter 7 Trustee, by his attorneys Zdarsky, Sawicki & Agostinelli LLP, hereby respectfully represents:

1. He is the duly appointed, qualified and acting Chapter 7 Trustee herein.
2. On July 12, 2021, the Court granted an Order requiring the Debtor to turn over copies of his 2019 and 2020 income tax returns, and his share of his 2019 and 2020 income tax refunds. He turned over copies of the returns, which were filed jointly with his wife, Valerie A. Tomaszewski, showing in all that they jointly claimed refunds of \$27,121.00, of which the Debtor's half was \$13,560.50. That sum is due the estate, provided that the Debtor and Mrs. Tomaszewski receive that amount. In any event, the estate is due half of the amount actually received, when it is received. At last report from the Debtor's counsel, the refunds had not been received. The Trustee understands that the Debtor recently might have become somewhat limited in his ability to deal with matters such as this, and that the necessary arrangements might put Mrs. Tomaszewski in control of the funds. Therefore the Trustee wishes to secure Mrs. Tomaszewski's cooperation in effecting this turnover.

WHEREFORE, the Trustee requests an Order directing Valerie A. Tomaszewski to turn over the estate's share of joint 2019 and 2020 federal and state income tax refunds due and remitted to her and/or the Debtor, together with such other and further relief as the Court deems

just and proper.

Dated: December 23, 2021
Buffalo, New York

ZDARSKY, SAWICKI & AGOSTINELLI LLP
Attorneys for the Chapter 7 Trustee

s/ Mark J. Schlant

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